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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,253	04/02/2004	Mahesh Chellappa	2705-737	1787
20575 7590 08/08/2007 MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER CHU, WUTCHUNG	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,253

Applicant(s)

CHELLAPPA ET AL.

Examiner

Wutchung Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/25/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/19/2007.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 27-28 are directed to a computer program product per se. It is suggested the claims to be written as in terms of "computer" readable medium, stored with embodied with or encoded with a "computer" program or computer executable instructions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-16, 19-20, 24-27, 29-31, and 33-34 rejected under 35 U.S.C. 102(b) as being anticipated by Bertin et al. (US6400681).

Regarding claim 1, Bertin et al. disclose method and system for minimizing the connection set up time in high speed packet switching networks (**see column 5 line 45-60**) comprising:

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- a detector for detecting the arrival of the call (**see column 7 line 9-13**);
and
- a handler that functions with the detector, for comparing a service request of the call to information relating to a characteristic of a link (**see column 7 line 34-35**), finding a link conforming to the service request, and routing the call via the conforming link (**see column 8 line 11-13**).

Regarding claim 2, Bertin et al. teaches further comprising a storage component that functions with the handler, for providing the information (**see column 7 line 43-44**).

Regarding claim 3, Bertin et al. teaches the storage component comprises a database (**see column 8 line 29-44 and figure 3 box 306 network topology database**).

Regarding claim 4, Bertin et al. teaches the handler comprises:

- a comparator that receives the service request from the detector, for performing the comparing (**see column 8 line 17-28 routing controller and figure 3 box 305 route controller**); and
- a routing element that functions with the comparator, for performing the routing (**see column 7 line 25 network node**).

Regarding claim 5, Bertin et al. teaches the routing element comprises a route agent (**see column 9 line 1-3 directory services**).

Regarding claim 6, Bertin et al. teaches the routing element further comprises an outgoing call controller (**see column 7 line 25 network node**).

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Regarding claim 7, Bertin et al. teaches further comprising an advertiser that functions with the handler, for advertising the information (**see column 9 line 21-24 topology update**).

Regarding claim 8, Bertin et al. teaches the advertising comprises providing the information to a remote node of the network (**see column 9 line 21-24 topology update**).

Regarding claim 10, Bertin et al. teaches the network comprises a private network to network interface asynchronous transfer mode network (**see column 15 line 51- column 16 line 14**).

Regarding claim 11, Bertin et al. teaches a computer implemented method for signaling and routing a call in a network, comprising:

- detecting arrival of the call (**see column 7 line 9-13**);
- Accessing a service request of the call (**see column 7 line 9-13**);
- determining the service request relates to an attribute of a link of the network (**see column 7 line 34-35**);
- Seeking a routing path that conforms to the service request (**see column 8 line 11-13**);
- Selecting the routing path (**see column 9 line 9-12**); and
- Routing the call via the selected routing path (**see column 8 line 45-58**).

Regarding claim 12, Bertin et al. the seeking comprises:

- accessing information relating to the link (**see column 8 line 29-44**);
- examining the information (**see column 8 line 17-21**); and

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- comparing the information to the service request (**see column 9 line 10-11**).

Regarding claim 13, Bertin et al. the routing path comprises a plurality of links (**see column 6 line 57 and figure 2 ref211 links**).

Regarding claim 14, Bertin et al. the routing path spans the network (**see column 9 line 14-24**).

Regarding claim 15, Bertin et al. the attribute is selected from the group consisting of a capability of the link, a characteristic of a node comprising the link, and a peer group policy (**see column 9 line 1-8**).

Regarding claim 16, Bertin et al. the attribute is selected from the group consisting of:

- a characteristic relating to type (**see column 9 line 1-3**);
- a characteristic relating to encryption (**see column 14 line 27-40**);
- a characteristic relating to basing (**see column 40 line 58**);
- a characteristic relating to public nature (**see column 40 line 58**);
- a characteristic relating to quality of service (QoS) capability (**see column 12 line 17-31**);
- a characteristic relating to the link comprising a virtual trunk (**see column 16 line 46-47**); and
- a color assigned to that route (**see column 18 line 5-6**).

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Regarding claim 19, Bertin et al. teaches a computer implemented method for advertising a route for a call in a network according to an attribute of the route, comprising:

- accessing information relating to a link comprising the route (**see column 17 line 1-5**);
- examining the information (**see column 12 line 1-11**);
- determining the attribute from the information (**see column 12 line 17-31**); and
- providing data relating to the attribute to a node comprising the network (**see column 12 line 64-67**).

Regarding claim 20, Bertin et al. teaches the providing comprises:

- generating a statement descriptive of the attribute (**see column 16 line 20-30**); and
- sending the statement to the node (**see column 16 line 31-35**).

Regarding claim 24, Bertin et al. teaches the attribute is selected from the group consisting of a capability of the link (**see column 12 line 9-13**), a characteristic of a node comprising the link (**see column 12 line 64-67**), and a peer group policy (**see column 12 line 17-31**).

Regarding claim 25, Bertin et al. disclose all the limitations as discussed in the rejection of claim 16 and is therefore claim 25 is rejected using the same rationales.

Regarding claim 26, Bertin et al. teaches the advertising comprises adding the data to a persistent network topology database (**see column 8 line 29-44**).

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Regarding claim 27, Bertin et al. teaches a computer usable medium having a computer readable program code for causing a computer system to implement a method for signaling and routing a call in a network (**see figure 3 box 305 route controller and it is inherent that controller executed by a set of instructions**), the method comprising:

- Detecting arrival of the call (**see column 7 line 9-13**);
- Accessing a service request of the call (**see column 12 line 17-31**);
- Determining that the service request relates to an attribute of a link of the network (**see column 7 line 34-35**);
- Seeking a routing path that conforms to the service request, wherein the seeking comprises:
 - Accessing information relation to the link (**see column 12 line 19**);
 - Examining the information (**see column 12 line 10**); and
 - Comparing the information to the service request (**see column 12 line 13-16**);
- Selecting the routing path (**see column 12 line 1-11**); and
- Routing the call via the selected routing path (**see column 12 line 39-42**).

Regarding claim 29, Bertin et al. teaches communication system (**see figure 2 ref212**) and disclose all the limitations as discussed in the rejection of claim 27 and is therefore claim 29 is rejected using the same rationales.

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Regarding claim 30, Bertin et al. teaches communication system (**see figure 2 ref212**) and disclose all the limitations as discussed in the rejection of claim 19 and 20 and is therefore claim 30 is rejected using the same rationales.

Regarding claim 31, Bertin et al. teaches a computer implemented method for advertising a route for a call in a network according to an attribute of the route, comprising:

- An accessor for accessing information relating to a link comprising the route (**see column 17 line 1-5 link identifier**);
- An examiner functioning with the accessor, for examiner the information (**see column 12 line 1-11 path selection**);
- An attribute determiner functioning with the examiner, for determining the attribute from the information (**see column 12 line 17-31 Quality of Service**); and
- A provider functioning with the attribute determiner, for providing data relating to the attribute to a node comprising the network (**see column 12 line 64-67 topology database**), the provider comprising:
 - a statement generator for generating a statement descriptive of the attribute (**see column 16 line 20-30 automatic network routing**); and
 - a statement sender functioning with the statement generator, for sending the statement to the node (**see column 16 line 31-35 label swapping**).

Regarding claim 33, Bertin et al. disclose all the limitations as discussed in the rejection of claims 1 and 2 and is therefore claim 33 is rejected using the same rationales.

Regarding claim 34, Bertin et al. teaches a computer implemented method for signaling and routing a call in a network, comprising:

- detecting arrival of the call at a first node of the network **(see column 7 line 9-13);**
- Accessing a service request of the call **(see column 7 line 9-13);**
- determining the service request relates to an attribute of a link of the network **(see column 7 line 34-35);**
- Seeking a routing path between the first node and a second node of the network that conforms to the service request, the seeking comprising:
(see column 8 line 11-28);
 - accessing information relating to the routing path **(see column 8 line 29-44);**
 - examining the information **(see column 8 line 17-21);** and
 - comparing the information to the service request **(see column 9 line 10-11).**
- Selecting the routing path **(see column 9 line 9-12);** and
- Routing the call to the second node via selected routing path **(see column 8 line 45-58).**

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 17-18, 21-23, 28, and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Bertin et al. in view of Munoz (US6741585).

Regarding claims 9, 17-18, 21-23, and 32, disclose all the subject matter of the claimed invention with the exception of the information is contained in a Private Network to Network Interface Topology State Element and wherein the service request is contained in a General Application Transport Information Element.

Munoz from the same or similar fields of endeavor teaches the use of PNNI or GAT signaling between ATM switches (**see Munoz column 12 line 24-29**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the PNNI or GAT signaling between ATM switches as taught by Munoz in system

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for minimizing the connection set up time in high speed packet switching networks of Bertin et al. in order to allow end nodes to send information transparently to each other **(see Munoz column 12 line 28-29)**.

Regarding claim 28, Bertin et al. teaches a computer usable medium having a computer readable program code for causing a computer system to implement a method for **(see figure 3 box 305 route controller and it is inherent that controller executed by a set of instructions)** advertising a route for a call in a network according to an attribute of the route, the method comprising:

- accessing information relating to a capability of a link comprising the route; **(see column 8 line 29-44)**;
- examining the information **(see column 8 line 17-21)**; and
- determining the attribute from the information **(see column 7 line 34-35)**; and
- providing data relating to the attribute to a node comprising the network **(see column 12 line 64-67)**, wherein the providing comprises:
 - generating a statement descriptive of the attribute **(see column 16 line 20-30)**; and
 - sending the statement to the node **(see column 16 line 31-35)**.

Regarding claim 28, Bertin et al. disclose all the subject matter of the claimed invention with the exception of statement comprising a Private Network to Network Interface Topology State Element. Munoz from the same or similar fields of endeavor teaches the use of Munoz from the same or similar fields of endeavor teaches the use

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of PNNI signaling between ATM switches (see Munoz column 12 line 24-29). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the PNNI or GAT signaling between ATM switches as taught by Munoz in system for minimizing the connection set up time in high speed packet switching networks of Bertin et al. in order to allow end nodes to send information transparently to each other (see Munoz column 12 line 28-29).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barri et al.; US2003/0081608

Hatley; 6654701

Blair; US6778495

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wutchung Chu whose telephone number is 571 270 1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WC/
Wutchung Chu

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 8/6/07